

MHKO070006342019 	<u>Order below Exh. 66 in Special Civil Suit</u> <u>No.14/2019.</u> Shernik Manikant Shaha Vs. Vishnu Sudam Popalkar and anr.,
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The defendant No.3 has filed present application to amend the statement recorded during cross-examination of power of attorney of defendant No.3 (Exh.56). The plaintiff has filed his say and objected the application.

2. Heard both sides. Perused the record. The learned advocate for the defendant No.3 has submitted that while recording the cross-examination of power of attorney holder of defendant No.3 on 12.06.2025 inadvertently the following statement was recorded - हे म्हणणे खरे नाही की, सदर नोटीसीप्रमाणे प्रतिवादी क्र.३ यांनी खरेदीपत्र करून देणेस तयार नव्हतो. However, it was required to be recorded as हे म्हणणे खरे आहे की, सदर नोटीसीप्रमाणे प्रतिवादी क्र.३ यांनी खरेदीपत्र करून देणेस तयार नव्हतो. Therefore, according to him the said mistake is required to be rectified. The plaintiff who had cross-examined the witness has not admitted the said fact. Furthermore, it appears that the present application is filed after lapse of more than five months from the date of recording of the alleged statement. There is no ground to amend the alleged deposition. The cross-examination of the witness was recorded during the course of business of the Court. Hence, it can be said that it was properly recorded. In such circumstances, mere on the basis of application of the defendant No.3 which is not even supported by the affidavit, the deposition cannot be amended. Hence, the application is liable to be rejected. In the result, I pass following order :-

ORDER

The application (Exh.66) is rejected.

Date: 10.06.2026.

(**P. A. Patil**)
Jt. Civil Judge Senior Division,
Jaysingpur.